

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA DAMAN AND DIU

Home Department 'A'

Notification

HD-25-97/70-A

In exercise of the powers conferred by section 111A of the Motor Vehicles Act, 1939, (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes, as follows the twelfth amendment to the Goa, Daman and Diu Motor Vehicles Rules, 1965, as last amended as per Government of Goa, Daman and Diu notification No. HD-25-15316/69-A dated 6-2-70.

1. Amendment of Chapter VIII—In chapter VIII of the Goa, Daman and Diu Motor Vehicles Rules 1965, Rules 8.3, 8.4 and 8.5, shall be omitted.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. K. Bhandari, Under Secretary (Home).
Panaji 13th July, 1971.

Home Department 'C'

ORDER

HD-EMR(5)/66(C)/70-A

In exercise of the power conferred by sub-clauses (c) and (d) of Clause (8) of section 2 of the Indian Official Secrets Act, 1923 (No. 19 of 1923) read with Government of India, Ministry of Home Affairs No. F. 2/3/67-UTL dated 24-7-67 the Lt. Governor of Goa, Daman and Diu is hereby pleased to declare the "3 × 30 MVA/110/33/11 KV Receiving Sub-station at Ponda" as prohibited place for the purpose of the said Act.

2. In the schedule appended to the Order No. HD-EMR(9)/1666 dated 24-10-66 the following entry shall be added, namely:—

"34.3 × 30 MVA/110/11 KV Receiving Sub-Station at Ponda".

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandari, Under Secretary (Home).
Panaji, 22nd June, 1971.

Law and Judicial Department

Notification

LD/49/71

The General Insurance (Emergency Provisions) Act, 1971 (17 of 1971) which was recently passed by the Parliament and assented to by the President of India on 17-6-1971 is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 13th July, 1971.

The General Insurance (Emergency Provisions) Act, 1971

AN

ACT

to provide for the taking over, in the public interest, of the management of general insurance business pending nationalisation of such business.

Whereas it is expedient in the public interest that general insurance business should be nationalised;

And Whereas it is expedient that pending such nationalisation, adequate steps should be taken to protect the interests of the policy-holders;

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the General Insurance (Emergency Provisions) Act, 1971.

(2) It shall be deemed to have come into force on the 13th day of May, 1971.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "appointed day" means the 13th day of May, 1971;

(b) "Custodian" means the person appointed under section 4 to take over the management of the undertaking of any insurer;

(c) "general insurance business" means fire, marine or miscellaneous insurance business, whether carried on singly or in combination with one or more of them, but does not include capital redemption business and annuity certain business;

(d) "Insurance Act" means the Insurance Act, 1938;

4 of 1938

(e) "insurer" means an insurer, as defined in the Insurance Act, who carries on general insurance business in India, and includes an insurer whose registration under that Act has not remained wholly cancelled for a period of six months immediately before the appointed day, but does not include the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, 31 of 1956 or any State Government which carries on general insurance business;

(f) "notified order" means an order notified in the Official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "undertaking", in relation to an insurer incorporated outside India, means the undertaking of that insurer in India;

(i) words and expressions used herein but not defined, and defined in the Insurance Act, have the meanings respectively assigned to them in that Act.

3. Management of undertakings to vest in Government on commencement of this Act.—(1) On and from the appointed day, the management of the undertakings of all insurers shall vest in the Central Government, and, pending the appointment of a Custodian for the undertaking of any insurer, the persons in charge of the management of such undertaking immediately before the appointed day shall, on and from the appointed day, be in charge of the management of the undertaking for and on behalf of the Central Government; and the management of the undertaking of the insurer shall be carried on by them subject to the provisions contained in sub-sections (3) and (5) and to such further directions, if any, as the Central Government may give to them by notice addressed and sent to the principal officer of the insurer.

(2) Any contract, whether express or implied, providing for the management of the undertaking of an insurer, made before the appointed day between the insurer and any person in charge of the management of such undertaking immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(3) No insurer shall, without the previous approval of the person specified by the Central Government in this behalf in respect of that insurer (hereinafter referred to as the "authorised person"),—

(a) make any payment or grant any loan otherwise than in accordance with the normal practice observed by him in respect of such matters immediately before the appointed day;

(b) incur any expenditure from the assets pertaining to the undertaking otherwise than for the purpose of making routine payments of salaries or commissions to employees, insurance agents or for the purpose of meeting the routine day to day expenditure;

(c) transfer or otherwise dispose of any such assets or create any charge, hypothecation, lien or other encumbrance thereon;

(d) invest in any manner any moneys forming part of such assets;

(e) acquire any immovable property out of any moneys forming part of such assets;

(f) enter into any contract of service or agency, whether expressly or by implication, for purposes connected wholly or partly with the undertaking or vary the terms and conditions of any such contract subsisting on the appointed day;

(g) enter into any other transaction relating to the undertaking of the insurer other than a contract relating to the transaction of general insurance business or vary the terms and conditions of any agreement relating to any such transaction subsisting at the commencement of this Act.

(4) The approval of the authorised person may be given either generally in relation to certain classes of transactions of the insurer or specially in relation to any of his transactions.

(5) Every insurer shall deposit all securities and documents of title to any assets appertaining to the undertaking in any Scheduled Bank or Nationalised Bank in which the insurer had an account immediately before the appointed day or in any branch of the State Bank in the place where the head office or the principal office of the insurer is situated or, where there is no branch of the State Bank in such place, the nearest branch of the State Bank; and no such security or document shall be withdrawn from the Scheduled Bank, the Nationalised Bank or the State Bank, as the case may be, except with the permission of the authorised person:

Provided that nothing contained in this sub-section shall apply to any security or document of title kept in trust with an Official Trustee in pursuance of the articles of association of an insurer unless the Central Government, by notified order, otherwise directs.

Explanation.—In this sub-section,—

(a) "Scheduled Bank" means a bank included for the time being in the Second Schedule to the Reserve Bank of India Act, 1934; 2 of 1934

(b) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955

(c) "Nationalised Bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970. 5 of 1970

(6) Every insurer shall deliver forthwith to the person specified in this behalf by the Central Government in respect of that insurer the following documents, namely:—

(a) the minutes book or any other book in India containing all resolutions up to the appointed day of the persons in charge of the management of the undertaking before the appointed day;

(b) the current cheque books relating to the undertaking which are at the head office or the principal office of the insurer;

(c) all registers or other books containing particulars relating to the investment of any moneys appertaining to the undertaking including investments on mortgaged properties and all loans granted and advances made;

(d) all brokers' notes or certificates in the possession of the insurer in respect of any orders for the investment of any moneys appertaining to the undertaking.

(7) Without prejudice to the generality of the powers conferred by sub-section (1) and to the provisions contained in sub-sections (3), (5) and (6), any direction issued under sub-section (1) may require the persons in charge of the management of the undertaking of an insurer under this Act to furnish to the Central Government or to the authorised person such returns, statements and other information relating to the undertaking as may be mentioned in the direction.

(8) The persons in charge of the management of the undertaking of an insurer under this Act, shall be entitled to such remuneration, whether by way of allowance or salary or perquisites as the Central Government may fix; and any such person may, by giving one month's notice in writing to the Central Government of his intention so to do, relinquish charge of the management of the undertaking.

4. Power of Central Government to appoint Custodians to take over the management of the undertaking of the insurer.—(1) The Central Government may, as soon as it is convenient administratively so to do, appoint any person as Custodian for the purpose of taking over the management of the undertaking of an insurer and the person so appointed shall carry on the management of the undertaking of the insurer for and on behalf of the Central Government.

(2) On the appointment of a Custodian under sub-section (1), the charge of management of the undertaking of the insurer shall vest in him and all persons in charge of the management of such undertaking immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver to the Custodian all books of account, registers or other documents in their custody relating to the undertaking of the insurer.

(3) Nothing contained in sub-sections (3), (5) and (6) of section 3 shall apply to any insurer the charge of management of whose undertaking has been taken over by the Custodian, but the Central Government may issue such directions to the Custodian as to his powers and duties as it deems desirable in the circumstances of the case, and the Custodian may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of the undertaking of the insurer or in relation to any matter arising in the course of such management.

(4) The Custodian shall receive from the funds of the undertaking for the charge of management of which he is appointed under sub-section (1) such remuneration as the Central Government may fix.

(5) The Custodian shall hold office during the pleasure of the Central Government.

5. Power of Custodian to institute proceedings, etc.—The Custodian may, in relation to the undertaking of any insurer the charge of management of which has been taken over by him, exercise—

(a) all or any of the powers which the Controller of Insurance may exercise under section 106 or section 107 of the Insurance Act;

(b) all or any of the powers under section 52B, section 52BB, section 52C or section 52D of the Insurance Act which an Administrator appointed under section 52A of that Act could have exercised in relation to life insurance business of an insurer.

6. Payment of compensation.—(1) Every insurer shall be given by the Central Government compensation for the vesting in it, under section 3, of the management of the undertaking of the insurer.

(2) For every month during which the management of the undertaking of the insurer remains vested in the Central Government, the amount of compensation referred to in sub-section (1) shall be—

(A) in the case of an insurer referred to in clause (b) of sub-section (9) of section 2 of the Insurance Act,—

(i) where the insurer has declared a dividend during at least one of the three calendar years 1967, 1968 and 1969,—

(a) a sum equal to one-twelfth of the annual average (for the three years) of the amount distributed to shareholders as dividend; or

(b) a sum equal to two-and-a-half rupees for every thousand rupees or part thereof of the net premium income of the undertaking of insurer during the year 1969,

whichever is greater;

(ii) in any other case, a sum equal to two-and-a-half rupees for every thousand rupees or part thereof of the net premium income of the undertaking of the insurer during the year 1969;

(B) in the case of an insurer referred to in clause (a) of sub-section (9) of section 2 of the Insurance Act, a sum equal to two-and-a-half rupees for every thousand rupees or part thereof of the net premium income of the undertaking of the insurer in India during the year 1969.

7. Compensation how to be paid.—(1) The compensation referred to in section 6 shall be paid by the Central Government in cash to every insurer.

(2) The compensation received by an insurer under section 6 shall be dealt with by him in such manner as may be prescribed.

8. Penalties.—If any person—

(a) fails to deliver to the Custodian any books of account, registers or any other documents in his custody relating to the undertaking of an insurer in respect of the management of which the Custodian has been appointed, or

(b) retains any property of such insurer appertaining to the undertaking of the insurer, or

(c) fails to comply with the provisions contained in sub-section (3) or sub-section (5) or sub-section (6) of section 3, or

(d) fails to comply with any directions issued under sub-section (1) or sub-section (7) of section 3,

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

9. Insurer not to be wound up by Court.—No proceeding for the winding up of an insurer, the management of whose undertaking has vested in the Central Government under this Act, or for the appointment of a Receiver in respect of such business, shall lie in any Court.

10. Exclusion of time of Act for computing period of limitation.—In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by an insurer in respect of any matter arising out of his undertaking, the time during which this Act is in force shall be excluded.

11. Effect of Act on other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

12. Delegation of powers.—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act may also be exercised by any such person as may be specified in the order.

13. Protection of action taken under this Act.—(1) No suit, prosecution or other legal proceeding shall lie against any Custodian or authorised person in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any Custodian or authorised person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

14. New certificate of registration not to be issued. Notwithstanding the provisions of section 3 of the Insurance Act, the Controller of Insurance shall not, after the appointed day, issue any new certificate of registration under that section to any person.

15. Act where not to apply.—Nothing contained in this Act shall apply to—

(a) any insurer whose business is being voluntarily wound up or is being wound up by a Court;

(b) any insurer to whom the Insurance Act does not apply by reason of the provisions contained in section 2E thereof;

(c) the Calcutta Hospital and Nursing Home Benefit Association, Limited;

(d) the Export Credit Guarantee Corporation;

(e) the Deposit Insurance Scheme;

(f) any scheme of insurance which might be exempted by the Central Government relating to—

(i) crop and cattle,

(ii) war risks,

(iii) emergency risks.

(g) general insurance business carried on by a State Government or by the Life Insurance Corporation of India.

16. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which books of account appertaining to undertakings shall be maintained by insurers;

(b) the manner in which any compensation payable under this Act shall be dealt with by an insurer;

(c) the circumstances in which the remuneration payable to persons in charge of the management of the undertaking of an insurer under this Act or to Custodians shall be met by the Central Government, whether wholly or in part;

(d) any other matter which is required to be, or may be, prescribed.

17. Repeal and savings.—(1) The General Insurance (Emergency Provisions) Ordinance, 1971, is hereby repealed.

6 of 1971.

(2) Notwithstanding such repeal, anything done or any action taken (including any direction given and orders and rules made) under the said Ordinance shall be deemed to have been or taken under the corresponding provisions of this Act.

Labour and Information Department

ORDER

3/5-LAB

The following notification from Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) New Delhi is hereby republished for the information of all concerned.

P. Noronha, Under Secretary (Information and Tourism).

Panaji, 28th June, 1971.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR, EMPLOYMENT
AND REHABILITATION

(Deptt. of Labour & Employment)

New Delhi, 12th May, 1971
22, Vaisakha, 1893

Notification

G. S. R. — In exercise of the powers conferred by Section 15, read with clause (b) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby makes the following rules further to amend the Industrial Employment (Standing Orders) Central Rules, 1946, the same having been previously published as required by Sub-section (i) of the said section 15, namely: —

1. These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 1970.

2. In the Schedule to the Industrial Employment (Standing Orders) Central Rules, 1946 (hereinafter referred to as the said rules), after rule 2, the following rules shall be inserted, namely: —

«2A. In the schedule to the Act, After item 10, the following additional matters, which shall be applicable to industrial establishments in coal mines only, shall be inserted, namely: —

«10A. Additional matters to be provided in Standing Orders relating to industrial establishments in coal mines: —

- (1) Medical aid in case of accident.
- (2) Railway travel facilities.
- (3) Method of filling vacancies.
- (4) Transfers.
- (5) Liability of manager of the establishment or mine.
- (6) Service Certificate.
- (7) Exhibition and supply of Standing Orders.».

3. For rule 3 of the said Rules, the following rule shall be substituted, namely: —

«3 (1) Save as otherwise provided in sub-rule (2), the model standing Orders from the purposes of the Act shall be those set out in Schedule I appended to these rules.

(2) The Model Standing Orders for the purposes of the Act in respect of industrial establishments in coal mines shall be those set out in Schedule IA appended to these rules.»

4. In sub-rule (1) of rule 7A of the said rules, the following sentence shall be inserted at the end, namely: —

«The memorandum of appeal shall be in Form IV set out in Schedule II to these rules.»

5. In Schedule I appended to the said rules, —

(a) for the heading, «Model Standing Orders», the heading «Model Standing Orders in respect

of Industrial Establishments in coal mines shall be substituted;

(b) in sub-clause (1) of 9, for the words, figures and letter «Chapter IV A of the Factories Act, 1934», the words and figures «Chapter VIII of the Factories Act, 1948» shall be substituted.

6. After Schedule I appended to the said rules, the following Schedule shall be inserted, namely: —

«Schedule IA.»

Model standing orders for industrial establishments in coal mines

1. These orders shall come into force on

2. **Definition.** — In these orders, unless the context otherwise requires —

(a) 'attendance' means presence of the workman concerned at the place or places where by the terms of his employment he is required to report for work and getting his attendance marked;

(b) The expression 'employer' and 'workman' shall have the meanings assigned to them in section 2(d) and (i) respectively of the Industrial Employment (Standing Orders) Act, 1946;

(c) 'Manager' means the manager of the mine and includes an acting manager for the time being appointed in accordance with the provisions of the Mines Act, 1952;

(d) Words importing masculine gender shall be taken to include females;

(e) Words in the singular shall include the plural and *vice versa*.

3. **Classification 3. of workmen.** — (a) «Workmen» shall be classified as —

- (i) permanent;
- (ii) Probationers;
- (iii) badlis or substitutes;
- (iv) temporary;
- (v) apprentices; and
- (vi) Casual.

(b) A «permanent» workman is one who is appointed for an unlimited period or who has satisfactorily put in three months' continuous service in a permanent post as a probationer;

(c) A «probationer» is one who is provisionally employed to fill a vacancy in a permanent post and has not completed three months service in that post unless the probationary period is extended. If a permanent workman is employed as a probationer in a new post, he may, at any time, during the probationary period not exceeding three months, be reverted to his old permanent post unless the probationary period is extended.

(d) A «badli» or substitute is one who is appointed in the post of a permanent workman or a probationer who is temporarily absent; but he would cease to be a «badli» on completion of a continuous period of service of one year (190 attendances in the case of below ground workmen and 240 attendances in the case of any other workmen) in the same post or other post or posts in the same category or earlier if the post is vacated by the permanent workmen or

probationer. A 'badli' working in place of a probationer would be deemed to be permanent after completion of the probationary period.

(e) A 'temporary' workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time, if necessary.

(f) An 'apprentice' is a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall inter-alia be specified in his term of contract.

(g) A 'casual' workman is a workman who has been engaged for work which is of an essentially casual nature.

4. Every workman shall be given a ticket appropriate to his classification at the time of his appointment and shall on being required to do so, show it to the person authorised by the employer in that behalf. The said ticket, shall carry the signature or thumb impression of the workman concerned. If the workman loses his ticket, the Manager shall provide him with another ticket on a payment of 25 Paise.

5. **Display of notices.** — (a) The period and hours of work for all classes of workmen in each shift shall be exhibited in English and in the language understood by the majority of workmen employed in the establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's Office, if any.

(b) Notices specifying (a) the days observed by the establishment as holidays and (b) pay days shall be posted on the said notice boards, (c) Notices specifying the rates of wages and scales of allowances payable to all classes of workmen and for all classes of work shall be displayed on the said Notice Boards.

6. **Payment of wages.** — (a) Wages shall be paid direct to the individual workmen on any working day between the hours 6.00 A. M. and 6.00 P. M. at the office of the mine. The manager or any other responsible person authorised by him shall witness and attest the payments and note the date of payment in the wage register. Payment of wages to a contractor's workman shall be made at a place to be specified by the manager and it shall be witnessed by a nominee or the employer deputed for this purpose in writing.

(b) Any wages due to a workman but not paid on the usual pay day on account of their being unclaimed shall be paid by the employer on such unclaimed wage pay day in each week as may be notified to the workmen. If the workman so desires, the unpaid wages and other dues payable to him shall be remitted to his address by money order after deducting therefrom the money order commission charges. All claims for the unpaid wages shall be present to the employer within a period of twelve months from the date on which the wages became due.

(c) Overtime shall be worked and wages thereof paid in accordance with the provisions of the Mines Act, 1952 as amended by the Mines (Amendment) Act, 1959 and as may be prescribed from time to time. For work on weekly rest day, the workman shall be paid as laid down in any agreement or award or, as the case may be, per usage or custom.

7. **Shift working.** — More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, a workman shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workman affected. If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947), and the rules made thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.

8. **Attendance.** — All workmen shall be at work at the mine at the time fixed and notified to them.

9. **Absence from place of work.** — Any workman, who after going underground or after coming to his work in the department in which he is employed, is found absent from his proper place of work during working hours without permission from the appropriate authority or without any sufficient reason shall be liable to be treated as absent for the period of his absence.

10. **Festival holidays and leave.** — (a) There shall be seven paid festival holidays or as laid down in an agreement or an award in force. Out of these seven days, the Republic Day, Independence Day and Mahatma Gandhi's birthday shall be allowed without option and the rest of the day shall be fixed by agreement or local custom. Whenever a workman has to work on any of these holidays, he shall, at his option be entitled to either thrice the wages for the day or twice the wages for the day on which he works and in addition to avail himself of a substituted holiday with wages on any other day or as laid down in an agreement or an award in force.

(b) (i) The workmen shall be entitled to leave with wages in accordance with the provisions contained in Chapter VII of the Mines Act, 1952.

(ii) Normally a workman will not be refused the leave applied for by him. But the employer may refuse, revoke or curtail the leave applied for by workman, if the exigencies of work so demand. Wages in lieu of leave shall be paid to a workman, where he has been refused the leave asked for and in cases where he cannot accumulate the leave any further. If a workman is refused leave in a particular year in the interest of work, it would be open to him next year either to avail of leave on two occasions with the usual railway concession or in case he avails of leave on only one occasion, the railway fare for the unavailed trip would be paid to him in the shape of National Savings/National Defence/Certificates.

(c) Quarantine leave shall be granted to a workman, who is prevented from attending to his duty because of his coming into contact, through no fault of his own, with a person suffering from a contagious disease. The leave shall be granted for such period as is covered by a certificate from the medical officer of the mine. Payment for the period

of quarantine leave shall be at the rate of 50% of the wages (basic plus dearness allowance) payable to a workman. Quarantine leave cannot be claimed if a workman has refused to accept during the previous three months, prophylactic treatment for the disease in question.

(d) A workman who desires to obtain leave of absence shall apply to the manager not less than fifteen days before the commencement of the leave, except where leave is required in unforeseen circumstances, and the manager shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof. Order shall be given on the same day. If the leave asked for is granted, a leave-pass shall be given to the workman. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager, who shall send a written reply either granting or refusing extension of leave to the workman. Sanction/refusal of leave should be communicated to the workman in writing invariably.

(e) If a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose lien on his appointment unless he —

- a) Returns within ten days of expiry of his leave, and
- b) Explains to the satisfaction of the manager his inability to return on the expiry of his leave.

In case, the workman loses as aforesaid, his lien on the appointment, he shall be entitled to be kept on the "badli list".

(f) A workman may be granted casual leave of absence with pay not exceeding five days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but where this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of such absence and of the probable duration thereof.

(g) Notwithstanding anything mentioned above, any workman who overstays his sanctioned leave or remains absent without reasonable cause will render himself liable for disciplinary action.

11. Medical aid in case of accidents. — Where a workman meets with an accident in the course of and arising out of his employment, the employer shall make satisfactory arrangements for immediate and necessary medical aid to the injured workman free of cost and shall arrange for prompt payment of compensation admissible under the Workman's Compensation Act, covering also the first three days of absence on account of injury.

12. Railway travel facilities. — (a) When a workman proceeds on leave and is qualified for free railway fare, the employer shall give him the cost equivalent of his ticket (including bus fare) and for boat to his home.

(b) Every workman who has completed a period of twelve months' continuous service would qualify for railway fare or bus fare or both for going home on leave and returning to the mine on the expiry of the leave. The twelve months' service shall be deemed to have been completed if, during the twelve months preceding the date on which he applies for leave, he has worked for not less than two hundred and forty days.

(c) If on the expiry of the leave, a workman returns, he shall then receive a cash payment equivalent to the return fare. If on his return the mine is unable to have him back, he shall be paid return fare at once.

(d) If the journey home is by bus or partly by bus and partly by train, the cost of the journey shall be adjusted accordingly.

(e) The workman shall be entitled to railway fare by mail or express train, wherever under the railway Rules tickets are available for such travel.

(f) The class by which a workman is entitled to travel shall be: —

- (i) if his basic wage is Rs. 165/- or less per month ... III class.
- (ii) if his basic wage is above Rs. 165/- and upto Rs. 265/- per month ... II Class".
- (iii) if his basic wage is above Rs. 265/- per month ... I Class".

13. Termination of services. — (a) For terminating the services of a permanent workman having less than one year of continuous service, a notice of one month in writing with reasons of wages in lieu thereof shall be given by the employer.

Provided that no such notice shall be required to be given when the services of the workman are terminated on account of misconduct established in accordance with the Standing Orders.

(b) Subject to the provisions of the Industrial Disputes Act, 1947 no notice of termination of employment shall be necessary in the case of temporary and badli workmen:

Provided that a temporary workman, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment if such termination is not in accordance with the terms of the contract of his employment.

Provided further that when the services of a temporary workman, who has not completed three months continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons in writing. When the services of a badli workman are terminated before the return to work of the permanent incumbent or the expiry of his (badli's) term of employment, he shall be informed of the reasons for such termination in writing.

(c) No workman shall leave the service of an employer unless notice in writing is given at the scale indicated below:—

- (i) For monthly paid workman One month.
- (ii) For weekly paid workmen Two weeks.

Provided that it will be for the employer to relax this condition and the workman may pay cash in lieu of such notice.

(d) For purposes of standing orders 13 (a), (b) & (c) the terms 'service' and 'wages' shall have the same meaning as assigned to these in sections 25(B) (1) and 2(rr) respectively of the Industrial Disputes Act, 1947.

14. Stoppage of work and re-opening.—(a) Subject to the provisions of Chapter V A of the Industrial Disputes Act, 1947, the employer may, at any time, in the event of underground trouble, fire, catastrophe, break-down of machinery, stoppage of power-supply, epidemic, civil commotion or any other cause beyond the control of the employer, stop any section or sections or the mine wholly or partly for any period or periods.

(b) In the event of such stoppage during working hours, the workmen affected shall be notified by notice put up on the notice board in the departments concerned and at the office as soon as practicable as to when work will be resumed and whether they are to remain or leave their place of work. The workmen will not ordinarily be required to remain for more than two hours after the commencement of the stoppage. Whenever workmen are laid off on account of failure of plant or a temporary curtailment or production or other causes they shall be paid compensation in accordance with the provisions of the Industrial Disputes Act, 1947. Where no such compensation is admissible, they shall be granted leave with or without wages as the case may be, at the option of the workman concerned, leave with wages being granted to the extent of any leave due to them. When workmen are to be laid off for an indefinitely long period, their services may be terminated subject to the provisions of the Industrial Disputes Act, 1947. If, no work is resumed two weeks' notice thereof shall be given by the pasting of notices at or near the mine office and the workmen discharged earlier by the employer shall, if they present themselves for work, have preference for re-employment.

(c) The employer may in the event of a strike affecting either wholly or partially any section of the mine close down either wholly or partially such section of the mine and any other section affected by such closure. The fact of such closure shall be notified by notices put up on notice board in the manager's office. Prior to resumption of work, the workmen concerned will be notified by a general notice indicating as to when work will be resumed. A copy of such notice shall be sent to the registered trade union or unions functioning in the establishment.

15. Method of filling vacancies.—In the matter of filling up of permanent vacancies badli and temporary workmen and probationers would be given preference in the order of their seniority.

16. Transfers.—Workmen may be transferred due to exigencies of work from one Department to another or from one station to another or from one coal mine to another under the same ownership provided that the pay, grade, continuity and other conditions of service of the workman are not adversely affected by such transfer and provided also that if a workman, is transferred from one job to another, that job should be of similar nature and such as he is capable of doing and provided further that (i) reasonable notice is given of such transfers and (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid the actual transport charges plus 50% thereof to meet the incidental charges.

17. Disciplinary action for misconduct.—(i) A workman may be suspended or fined or his increment may be stopped or he may be demoted or dismissed without notice if he is found to be guilty of misconduct under this Standing Order provided that suspension without pay as a punishment shall not exceed ten days. The workman may be suspended pending departmental enquiry and in such cases he shall be paid a subsistence allowance equal to half of his wages as defined in the payment of Wages Act, 1936, for the period of suspension upto 30 days. If, however, he is kept suspended by the management beyond 30 days this subsistence allowance will be at the rate of $\frac{3}{4}$ of his wages as aforesaid but if the enquiry is delayed beyond 30 days because of the workman, the subsistence allowance shall be reduced to $\frac{1}{4}$ of his wages. The employer shall normally complete the enquiry within ten days. The payment of subsistence allowance will be subject to his not taking any employment elsewhere during the suspension period.

The following shall denote misconduct:—

- (a) Theft, fraud, or dishonesty in connection with the employer's business or property;
- (b) Taking or giving of bribes or an illegal gratification whatsoever in connection with the employer's business or in his own interests.
- (c) Wilful insubordination or disobedience, whether along or in conjunction with another or others, or of any lawful or reasonable order of a superior. The order of the superior should normally be in writing.
- (d) Habitual late attendance and habitual absence without leave or without sufficient cause.
- (e) Drunkenness, fighting or riotous, disorderly or indecent behaviour while on duty at the place of work.
- (f) Habitual neglect of work.
- (g) Habitual indiscipline.
- (h) Smoking underground or within the mine area in places where it is prohibited.
- (i) Causing wilful damage to work in progress or to property of the employer.
- (j) Sleeping on duty.
- (k) Malingering or slowing down work.
- (l) Acceptance of gifts from subordinate employees.
- (m) Conviction in any Court of Law for any criminal offence involving moral turpitude.

- (n) Continuous absence without permission and without satisfactory cause for more than ten days.
- (o) Giving false information regarding one's name, age, father's name, qualification or previous service at the time of the employment.
- (p) Leaving work without permission or sufficient reason.
- (q) Any breach of the Mines Act, 1952, or any other Act or any rules, regulations or bye-laws thereunder, or of any Standing Orders.
- (r) Threatening, abusing or assaulting any superior or co-worker.
- (s) Habitual money-lending.
- (t) Preaching or inciting to violence.
- (u) Abetment of or attempt at or attempt at abetment of any of the above acts of misconduct.
- (v) Going on illegal strike either singly or with other workers without giving 14 days previous notice.
- (w) Disclosing to any unauthorised person of any confidential information in regard to the working or process of the establishment which may come into the possession of the workmen in the course of his work.
- (x) Refusal to accept any charge-sheet or order or notice communicated in writing.
- (y) Failure or refusal to wear or use any protective equipment given by the employers.

(ii) No order of punishment under Standing Order No. 17(i) shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegation made against him. A departmental enquiry shall be instituted before dealing with the charges. During the period of enquiry, the workman concerned may be suspended. The workman may take the assistance of a co-worker to help him in the enquiry, if he so desires. The records of the departmental enquiry shall be kept in writing. The approval of the owner, agent or the chief Mining engineer of the employer or a person holding similar position shall be obtained before imposing the punishment of dismissal. A copy of the enquiry proceedings shall be given to the workman concerned on the conclusion of the enquiry, on request by the workman.

(iii) If a workman is not found guilty of the charges framed against him, he shall be deemed to be on duty during the full period of his suspension and he shall be entitled to receive the same wages as he would have received if he had not been suspended.

(iv) In awarding punishment under this Standing Order, the authority awarding punishment shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the authority awarding punishment shall be supplied to the workman concerned.

18. Time limit for making complaints, appeals etc. — All complaints arising out of employment includ-

ing those relating to unfair treatment or wrongful exaction on the part of the employer or his servant shall be submitted within 7 days of such cause of complaint to the Manager, of the Mine, with the right of appeal to the employer. Any appeal to the employer shall be made within 3 days of the decision of the Manager. The employer shall normally give his decision within 3 days of the receipt of the appeal.

19. Liability of Manager of the mine. — The manager of the mine shall personally be held responsible for the proper enforcement of these Standing Orders provided that where a manager over-ruled by his superior, the latter shall be held responsible for the decision taken.

20. Service Certificate. — Every workman who was employed continuously for a period of more than three months shall be entitled to a service certificate at the time of his leaving the service of employer.

21. Entry and exit. — All workman shall enter and leave the premises of the establishment through authorised gates and shall be liable for search while going in or coming out of the premises. In case of women workmen search will only be made by women.

22. Exhibition and supply of standing Orders. — A copy of these Orders in English and in the regional languages of the local area in which the mine is situated, shall be posted at the manager's office and in such other places of the mine as the employer may decide and it shall be kept in a legible condition. A copy of the Standing Orders shall be supplied to a workman on application, on payment of a reasonable price. A trade union in the establishment will, however, be entitled to the free supply of a copy of the Standing Orders, provided the union in one which is recognised by the employer.

7. In Schedule II appended to the said rules, after Form III the following form shall be inserted, namely: —

FORM IV

[See Rule 7 A(1)]

(To be furnished in respect of each clause appealed against, *separately*)

- (1) *Draft of the Standing Order under appeal as submitted by the employers.*
- (2) *Objection made /modification suggested, if any, to the Draft Standing Order Under appeal, by the Trade Union/Representatives of workmen.*
- (3) *Standing Order under appeal, as certified by the Certifying Officer.*
- (4) *Grounds of appeal by the employers/trade union/ workman's representatives.*

Sd/-

T. K. RAMACHANDARAN

Under Secretary

(21/7/65/LRI)

Mormugao Port Trust

Notification

MPT/27-GA(12)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963 the following amendment to the Mormugao Port Employees' (Grant of Advances for the Purchase of Conveyances) Regulations, 1969 adopted by the Board is hereby published: —

Substitute the following for the existing Regulation No. 14:

"14. Powers of Sanction: Sanction for an advance under these Regulations shall be accorded to Class I & II Officers including Heads of Departments by the Chairman and to all other Employees, by the Heads of Departments".

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 20th May, 1971.

(2nd time)

Notification

MPT/10-GA(7)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963 the following amendment to the Mormugao Port Regulations adopted by the Board is hereby published: —

Substitute the following for the existing Notes (i) and (ii) to Regulation 4 of the Mormugao Port Regulations: —

"Notes: — (i) Vessels mentioned in item (a) and (b), provided arrival is intimated to the Port at least 24 hours in advance, will have

berths free for their immediate berthing, except for reasons of force majeure.

(ii) Vessel mentioned in (c) will be berthed at the first available suitable berth, provided arrival is intimated to the Port at least 48 hours in advance".

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 21st May, 1971.

(2nd time)

Notification

MPT/IGA(E.806)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963 the following amendment to the Mormugao Port Employees' (General Provident Fund) Regulations, 1964 adopted by the Board is hereby published: —

"Substitute the following for the proviso below Regulation 21:

Provided that the subscriber, if he returns to duty, shall, except where the Board decides otherwise, repay to the fund, for crediting to his account the whole or part of any amount paid to him from the fund in pursuance of this Regulation with interest thereon at the rate provided in Regulation 11 in cash or securities or partly in cash and partly in securities, by instalments or otherwise, by recovery from his emoluments or otherwise, as may be directed by the Chairman".

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 21st May, 1971.

(2nd time)